1 MELANIE D. MORGAN, ESQ. Nevada Bar No. 8215 2 DONNA M. WITTIG, ESQ. Nevada Bar No. 11015 3 AKERMAN LLP 1635 Village Center Circle, Suite 200 4 Las Vegas, Nevada 89134 (702) 634-5000 Telephone: 5 Facsimile: (702) 380-8572 Email: melanie.morgan@akerman.com Email: donna.wittig@akerman.com 6 7 Attorneys for Plaintiff Federal Home Loan Mortgage Corporation 8 UNITED STATES DISTRICT COURT 9 DISTRICT OF NEVADA 10 **FEDERAL HOME** LOAN **MORTGAGE** Case No.: 2:17-cv-01827-APG-PAL CORPORATION, Plaintiff. JOINT **STATUS** REPORT **STIPULATION AND DISMISSAL** OF CONSTITUTIONAL v. **CLAIMS WITHOUT PREJUDICE** TOMMY SEUFER; BONNIE SEUFER; THE GREENBRIAR **TOWNHOUSE** OWNERS' ASSOCIATION, INC., Defendants. Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), Plaintiff Federal Home Loan Mortgage Corporation 18 19 20 as follows: 21

(Freddie Mac), defendants Tommy & Bonnie Seufer (the Seufers) and The Greenbriar Townhouse Owners' Association, Inc. (Greenbriar), by and through their respective counsel of record, stipulate

AND

FOR

ORDER

- 1. This matter relates to the real property located at 225 Pecos Way, Las Vegas, Nevada 89121.
- 2. On October 31, 2013, Greenbriar, through its agent Nevada Association Services, Inc., recorded a Foreclosure Deed as instrument number 20131031-0003089 in the official records of Clark County, Nevada, as a non-judicial foreclosure sale occurred on October 18, 2013, and the Property reverted to Greenbriar.

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- 3. On August 25, 2014, a Quitclaim Deed was recorded against the Property stating Greenbriar quitclaimed its interest the Property to the Seufers, as instrument number 20140825-0001593. A corrected Quitclaim Deed was re-recorded to correct the name of the grantor on October 10, 2014 as instrument number 20141010-0001489.
- 4. On July 3, 2017, Freddie Mac initiated this lawsuit against the Seufers and Greenbriar related to the effect of the HOA's foreclosure sale on the deed of trust. Freddie Mae sought, amongst other claims, Declaratory Relief under Amendments V and XIV of the United States Constitution against the Seufers and Greenbriar, and for Quiet Title under Amendments V and XIV of the United States Constitution against the Seufers.
- 5. The parties now stipulate to dismiss Freddie Mac's Declaratory Relief claims under Amendments V and XIV of the United States Constitution against the Seufers and Greenbriar, and Quiet Title claims under Amendments V and XIV of the United States Constitution against the Seufers.
- 6. Pursuant to the court's order, ECF No. 47, the parties further stipulate that dismissal of these constitutional claims resolves all remaining issues and claims between the parties. All that remains is for judgment to be entered in Freddie Mac's favor consistent with ECF No. 47, which granted summary judgment in Freddie Mac's favor, finding "the homeowners association's non-judicial foreclosure sale conducted on October 18, 2013, did not extinguish [Freddie Mac]'s interest in the property . . . and thus the property is subject to the deed of trust."

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	1	7. Each party will bear its own attorneys' fees and costs.	
	2	2 DATED: October <u>23rd</u> , 2018	
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	4	AKERMAN LLP	THE LAW OFFICE OF MIKE BEEDE, PLLC
	5	/s/ Donna M. Wittig MELANIE D. MORGAN, ESQ.	<u>/s/ Michael N. Beede</u> MICHAEL N. BEEDE, ESQ.
	6	Nevada Bar No. 8215 DONNA M. WITTIG, ESQ.	Nevada Bar No. 13068 JAMES W. FOX, ESQ.
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	8	Las Vegas, Nevada 89134	Henderson, Nevada 89074
	9	Attorneys for Federal Home Loan Mortgage Corporation	Attorneys for Tommy and Bonnie Seufer
1	10	Corporation	
	11	ROBBINS LAW FIRM	
	SUITE 134 380-8.	/s/ Elizabeth B. Lowell ELIZABETH B. LOWELL, ESQ.	
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MAN	TER CI NEVA 0 - FA	Las Vegas, Nevada 89134	
AKERMAN LLP	34-500 34-500	Attorneys for The Greenbriar Townhouse Owner's Association, Inc.	
₩	1635 VILLAGE CENTER CIRCLE, SUITE 200 LAS VEGAS, NEVADA 89134 TEL.: (702) 634-5000 - FAX: (702) 380-8572 L1 21 21 21 21 21 21 21 21 21 21 21 21 21	Owner's Association, Inc.	
,	TEL 17	IT IS SO ORDERED.	
	18	II IS SO URDERED.	
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	20	UNIT	TED STATES DISTRICT COURT JUDGE

Dated: October 25, 2018.